

Remarks

Claims 1-16 are pending in the application. Claims 14 and 15 have been withdrawn pursuant to a restriction requirement by the Examiner.

Claim rejections

Section 102

Claims 1-12 and 14 were rejected under 35 USC 102(e) as being anticipated by Inoue et al. (US 2001/0044042 A1) (hereafter, "Inoue 1"). The Applicant respectfully traverses. Inoue 1 cannot support the rejection for at least the reason that it does not disclose "a sealant which is made of a material which maintains an initial material state even under an environment where the fuel cell unit is used, the material being selected from a gel material, high viscosity material and pressure-sensitive adhesive material" as recited in claim 1. The sealant S in Inoue 1 hardens into a solid sealant under an environment in which sealant S is used. See Inoue 1 at paragraph [0053]. This kind of sealant is less advantageous than the sealant of the present invention according to claim 1, because with the sealant of Inoue 1, it is difficult to follow or absorb the displacement of the components of the fuel cell due to temperature variation and so on, since the sealant of Inoue 1 hardens into solid sealant under an environment where the fuel cell is used.

In view of the foregoing, claim 1 is allowable over Inoue 1, as are claims 2-12 and 14 for at least the reason that they depend on claim 1. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-6, 8-11 and 14 were rejected under 35 USC 102(e) as being anticipated by Suenaga et al. (US 2002/0051902 A1) (hereafter, "Suenaga"). The Applicant respectfully traverses. Along lines discussed above, Suenaga does not disclose a sealant which maintains an initial material state even under an environment where the fuel cell unit is used, as recited in claim 1. The elastomer or thermoplastic sealants described in Suenaga are solid sealants typical of the prior art. Accordingly, claim 1 is allowable over Suenaga, as are claims 2-6, 8-11 and 14 for at least the reason that they depend on claim 1. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-6, 8-11, 13 and 14 were rejected under 35 USC 102(e) as being anticipated by Inoue et al. (US 6,872,485) (hereafter, "Inoue 2"). The Applicant respectfully traverses. Along lines discussed above, Inoue 2 does not disclose a sealant which maintains an initial material state even under an environment where the fuel cell unit is used, as recited in claim 1. Like Suenaga, Inoue 2 only discloses sealants that are cured or hardened in an environment in which they are used. Accordingly, claim 1 is allowable over Suenaga, as are claims 2-6, 8-11, 13 and 14 for at least the reason that they depend on claim 1. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

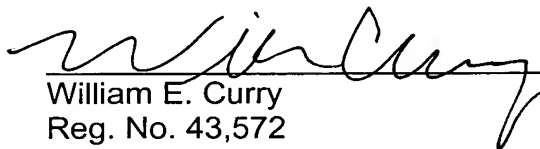
In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees

Respectfully submitted,

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